

REGULAR MEETING

April 14, 1997

The Regular Meeting of the Annapolis City Council was held on April 14, 1997 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Gilmer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Public Works Director Patmore

Mayor Hopkins and Police Sergeant Beans presented Citations of Merit to Angela G. Haste and Tevon Harris.

Alderman Snowden moved to approve the Minutes of March 10, 1997 and March 24, 1997. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Presentation by Annapolis Skating Advisory Committee.
Forrest E. Mays, Chair, spoke briefly. Steve Carr presented the report.
2. Presentation by Jones Communications regarding programming changes.
General Manager Gary Massaglia spoke briefly.

ACTION ON APPLICATIONS AND APPEALS

R-11-97 For the purpose of acting upon an appeal from the January 28, 1997 decision of the Port Wardens which approved the application of Robert Donaldson to add a 12 foot by 8 foot addition to an existing pier and 1 new outboard mooring pile; and all matters relating to said appeal.

Alderman Snowden moved to adopt R-11-97. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Johnson, Gilmer, Tullier, Snowden, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Turner
CARRIED: 5-3

O-26-97 For the purpose of establishing a zoning classification of R3, General Residence District zoning, for the property located at Forest Drive and Greenbriar Road, contiguous to the existing boundary of the City of Annapolis, known as the Skipper Property; and all matters relating to said zoning map amendment.

Alderman Tullier moved to adopt O-26-97 on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the second reading on O-26-97. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

Alderman Snowden moved to adopt O-26-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

- O-28-97** For the purpose of establishing a zoning classification of R1B, Single-Family Residence District and designating the property as a Limited Development Area (LDA) and a Resource Conservation Area (RCA) in the critical Area Overlay zone for the property located at Forest Drive between Greenbriar Road and Church Creek, contiguous to the existing boundary of the City of Annapolis, known as the Chrisland Property; and all matters relating to said zoning map amendment.

Alderman Snowden moved to adopt O-28-97 on first reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

LEGISLATIVE ACTION

CHARTER AMENDMENTS

- CA-11-96** For the purpose of amending the Charter of the City of Annapolis to establish that the procedure for amending the Charter shall be in accordance with Maryland Annotated Code, Article 23A.

Alderman Snowden moved to adopt CA-11-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-11-96.

A ROLL CALL vote was taken on the main motion.

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Turner

NAYS: Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer

DEFEATED: 5-4

- CA-1-97** For the purpose of amending the Charter of the City of Annapolis to exclude certain positions from the civil service system.

Alderman Snowden moved to adopt CA-1-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- CA-2-97** For the purpose of amending the Charter of the City of Annapolis to establish that the acquisition, sale or lease of certain property shall be authorized by resolution.

Alderman Snowden moved to adopt CA-2-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

ORDINANCES

- O-51-96** For the purpose of ensuring the safety of the public and passengers who engage the services of taxicab drivers holding a license in the City of Annapolis; authorizing the director of parking and transportation to adopt, promulgate and enforce regulations related to alcohol and drug use by licensed taxicab owners and drivers in the City of Annapolis; and all matters relating to said regulations.

There being no voiced objection, O-51-96 was referred back to the Economic Matters Committee.

- O-68-96** For the purpose of establishing standards for privatization of services currently provided by City of Annapolis employees when the City Council directs the services to be performed by a private provider and the City service unit is disbanded; and all matters relating to said standards and procedures for procurement.

There being no voiced objection, O-68-96 was referred to the Economic Matters Committee.

- O-73-96** For the purpose of transferring the obligation to make substantial repairs and to replace public sidewalks from owners of adjacent property to the City of Annapolis; clarifying that owners of property abutting public sidewalks shall continue to be responsible for their original installation and routine maintenance; modifying fees and fines associated with sidewalk installation repair and maintenance; and all matters relating to said sidewalks.

Alderman Moyer moved to withdraw O-73-96. Seconded. CARRIED on voice vote.

- O-75-96** For the purpose of requiring certain procedures in the consideration of ordinances, resolutions and charter amendments; requiring that ordinances and resolutions shall be passed only upon majority vote of the City Council members present; requiring that charter amendments shall be passed only upon a majority vote of all persons elected to the City Council; and all matters relating to said requirements.

Alderman Turner moved to adopt O-75-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-75-96.

A ROLL CALL vote was taken on the main motion.

YEAS: Aldermen Hammond, Johnson, Turner
NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer
DEFEATED: 6-3

- O-4-97** For the purpose of limiting professional contributions to a mayoral or aldermanic candidate; and all matters relating to contributions.

Alderman Snowden moved to adopt O-4-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-4-97.

Alderman Johnson moved to amend O-4-97 as follows:

Amendment No. 1:

On Page 2, strike line 10, and substitute the following:

Section 4.44.130.A.3. and 4.; and
Section 4.44.130.B.9. and 10.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner
NAYS: Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer
ABSTAIN: Mayor Hopkins
DEFEATED: 5-3-1

Amendment No. 2:

On Page 2, line 18, add the following:

- A. Definitions:
3. Value.
- a. For the purposes of this section, the value of professional services or of a tangible thing contributed to a candidate or to a partisan organization equals the greater of:
- I. The amount paid or charged for the services or tangible thing; or
- ii. The fair market value of the services or tangible thing.
- b. The value of the following services is deemed to be nil:
- I. Services provided by volunteers, as defined below, working for a candidate or a partisan organization;
- ii. Professional services but only to the extent rendered to assist a candidate or partisan organization to comply with the requirements of this chapter; and
- iii. Free election advertising space provided to a candidate or to a partisan organization in a periodical publication if such advertising space is made available on an equal basis to all candidates or partisan organizations in the election.
4. Volunteer. For the purposes of this section "volunteer" means a person who provides electioneering services to a candidate or partisan organization for no remuneration or material benefit, but does not include an individual engaged in the full-time or part-time business of providing such services for remuneration.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner
NAYS: Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer
ABSTAIN: Mayor Hopkins
DEFEATED: 5-3-1

Amendment No. 3:

On Page 2, line 27, add the following:

10. Provide professional services or tangible thing of value to a candidate or to a partisan organization for use in an election at less than fair market value. The difference, if any, between the fair market value of professional services or of a tangible thing of value provided to a campaign or partisan organization and the amount paid for the services or the tangible thing shall constitute a contribution to the candidate or to the partisan organization.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner, DeGraff
NAYS: Aldermen Gilmer, Tullier, Snowden, Moyer
ABSTAIN: Mayor Hopkins
DEFEATED: 4-4-1

Alderman Snowden moved to adopt O-4-97 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff
NAYS: Alderman Moyer
ABSTAIN: Mayor Hopkins
CARRIED: 7-1-1

Alderman Snowden moved to adopt O-4-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff
NAYS: Alderman Moyer
ABSTAIN: Mayor Hopkins
CARRIED: 7-1-1

O-15-97 For the purpose of making a technical correction to Section 3.20.080 by removing the reference to the Medical Review Board which was repealed by Ordinance O-28-94; and all matters relating to said technical correction.

Alderman Snowden moved to adopt O-15-97 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-15-97 on third reading. Seconded. CARRIED on voice vote.

O-17-97 For the purpose of establishing that the Director of Public Works shall be the appointing authority for the Harbor Master; and all matters relating to said Harbor Master.

Alderman Snowden moved to adopt O-17-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-17-97.

A ROLL CALL vote was taken on the main motion.

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

Alderman Snowden moved to adopt O-17-97 on third reading. Seconded. CARRIED on voice vote.

- O-19-97** For the purpose of making a technical correction pertaining to the discipline of certain members of the exempt service; and all matters relating to said responsibility.

There being no voiced objection, O-19-97 was referred back to the Rules and City Government Committee.

- O-20-97** For the purpose of finalizing the use of the proceeds of the Public Improvement Bonds of 1995 dated April 1, 1995 issued by the Mayor and City Council of the City of Annapolis; authorizing the final revisions as enumerated on the attached schedule; and all matters relating to said use.

Alderman Snowden moved to adopt O-20-97 on second reading. Seconded.

The Finance Committee reported favorably on O-20-97.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-20-97 on third reading. Seconded. CARRIED on voice vote.

- O-13-97** For the purpose of requiring a zoning classification request to be included in the petition for annexation; establishing that the zoning classification for annexed land may be established during action on the annexation petition; and all matters relating to said annexation zoning classification.

Alderman DeGraff moved to adopt O-13-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules and City Government Committee.

- O-21-97** For the purpose of promoting public safety and the welfare of citizens within the City; creating regulations to declare certain activities, including drug-related activity, on leased premises to be public nuisances and thereby the basis for suspension or revocation of the rental license for the premises; discouraging owners of leased premises from knowingly permitting a tenant to reside in a rental unit while involved in illegal drug activity; revising the duties of the building board of appeals; and all matters relating to said illegal activity on leased premises.

Alderman DeGraff moved to adopt O-21-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

- O-23-97** For the purpose of modifying the set back requirements for structures in the waterway; and all matters relating to said setback requirements.

Alderman DeGraff moved to adopt O-23-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-25-97** For the purpose of revising the title for the exempt service position of "public information coordinator" to "public information officer"; revising the pay grade of said position; and all matters relating to said exempt service position.

Alderman DeGraff moved to adopt O-25-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-27-97 For the purpose of revising the duties of the planning commission; and all matters relating to said planning commission.

Alderman DeGraff moved to adopt O-27-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules and City Government Committee.

O-29-97 For the purpose of adopting an operating budget for the City of Annapolis for the fiscal year 1997-1998, beginning July 1, 1997 and ending June 30, 1998; to appropriate funds for expenditures for the fiscal year beginning July 1, 1997 and ending June 30, 1998; and all matters generally relating to said budget.

Alderman DeGraff moved to adopt O-29-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-30-97 For the purpose of levying and imposing a property tax rate for the Fiscal Year beginning July 1, 1997 and ending on June 30, 1998, for the purpose of defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; providing for repayment of bonds and other indebtedness; specifying certain duties of the Director of Finance, specifying a rate of interest to be charged upon overdue property taxes; and all matters relating to said property tax rate.

Alderman DeGraff moved to adopt O-30-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

RESOLUTIONS

R-7-97 For the purpose of enacting certain definitions; modifying and establishing certain fees for the use of moorings on City waters and docking space at the City Dock; providing exceptions granted by the Annapolis City Council; and all matters relating to said City docking facilities.

Alderman Snowden moved to adopt R-7-97. Seconded. CARRIED on voice vote.

R-8-97 For the purpose of approving the job description for the civil service positions of Community Development Specialist, Community Development Administrator and Comprehensive Planner; establishing the pay grades for said job descriptions; and all matters relating to said job descriptions and pay grades.

Alderman Snowden moved to adopt R-8-97. Seconded.

There being no voiced objection, a fiscal impact note was requested on R-8-97.

- R-9-97** For the purpose of approving the job description for the exempt service position of Public Information Officer; establishing the pay grade for said job description; and all matters relating to said job description and pay grade.

There being no voiced objection, consideration of R-9-97 was postponed.

- R-12-97** For the purpose of directing the City of Annapolis Department of Public Works to inspect all property managed by the Housing Authority of the City of Annapolis as provided by the City Code; and all matters relating to said property and inspection.

Alderman Turner moved to adopt R-12-97. Seconded.

There being no voiced objection, a fiscal impact note was requested on R-12-97.

- R-13-97** For the purpose of proclaiming Annapolis a drug-free city; and all matters relating to said proclamation.

Alderman Snowden moved to adopt R-13-97. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

- R-15-97** For the purpose of adopting a capital improvement budget for the Fiscal Year 1998, and a capital improvement program for the six year period from July 1, 1997 to June 30, 2003; and all matters relating to said budget and program.

There being no voiced objection, R-15-97 was referred to the Planning Commission and the Finance Committee.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated 4/3/97:

1. Budget Revision Requests - approval
2. Budget Revision Requests - disapproval
3. Whitbread - Gary Jobson

Alderman DeGraff moved to approve the Finance Committee Recommendations for Action dated 4/3/97:

1. Budget Revision Requests - approval
2. Budget Revision Requests - disapproval
3. Whitbread - Gary Jobson

Seconded. CARRIED on voice vote.

2. Payment of monthly bills.

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:50 p.m.